

Education Services Agreements Standards

Fact sheet

What Education Services Agreements (ESAs) are

Formerly referred to as tuition agreements, ESAs are agreements between school boards or public charter schools and First Nations, or the federal government on behalf of First Nations, to enable First Nations students living on-reserve to attend provincial schools. The Alberta government is not party to these negotiations or the agreements.



What ESA standards are

ESA standards support the development of comprehensive, transparent, fair and accountable ESAs between provincial school boards and First Nations (or Canada). They provide guidance for school boards and First Nations during ESA discussions, as well as an opportunity to explore and discuss programming and relationships that focus on student success. ESA standards apply to provincial school boards and public charter schools. First Nations are not required to adhere to ESA standards, but Alberta Education acknowledges that they are impacted as parties to the agreements.

Many First Nations and school boards have already used aspects of previous draft ESA standards when renewing existing agreements. The ESA standards now apply to all new and renewed ESAs between a provincial school board or public charter school and a First Nation, a First Nations delegated authority or the federal government. Parties that are satisfied with their current ESAs **are not** required to renegotiate their agreements unless the terms of their agreement specify otherwise.

The ESA standards specify that agreements must address certain items; however, they do not dictate how they must be addressed. The standards are intended to:

- put students at the centre of decision-making in the ESA agreements by focusing on students' learning needs, culture, language, identity and unique circumstances;
- foster collaboration, coordination and a sense of shared responsibility among education partners;
- set consistent minimum standards for the topics that should be addressed within an ESA;
- help First Nations and provincial school boards address areas of typical concern to proactively meet local needs of First Nations students; and
- strengthen accountability for the education of First Nations students residing on-reserve while attending provincial schools.

How ESA standards were developed

ESA standards were developed from 2014 to 2022 with feedback from numerous partners, including First Nations, provincial school boards, the College of Alberta School Superintendents, the Alberta School Boards Association and the federal government. The government shared several drafts of the ESA standards with these partners and asked for their perspective on how the standards could be strengthened to benefit students. We received written and verbal feedback through numerous in-person sessions and virtual town halls. Alberta Education followed up via phone and email with those partners who were not able to attend group sessions or town halls to ensure everyone had an opportunity to provide feedback.

The government updated the draft standards to reflect the feedback we received as well as the most recent changes in the education system, and we released a new version for further review in 2021. After this final round of engagement, the government updated the standards again to incorporate further feedback, and in 2022, Ministerial Order (#015/2022) was issued to officially establish the new standards.

How ESA standards will be reviewed

The government is committed to open dialogue and will continue to gather feedback on the standards as they are put into practice. The standards have a built-in review period to ensure they are working for parties as intended. Three years after the standards come into effect, the Alberta government will conduct a review, including another round of input from First Nations and school boards and other partners and stakeholders. Feedback during the review period will help determine the standards' effectiveness, inform any needed changes and guide future program and policy decisions.

While the standards may not address all of the First Nations' and provincial school boards' priorities to strengthen First Nations education, they are a significant step in reducing the systemic barriers affecting First Nations students who reside on reserves and attend provincial schools.

How fees are calculated

The financial accountabilities, assurance and reporting section of the ESA standards provide school boards and First Nations with maximum flexibility and autonomy to address student and community needs.

The standards require school boards to approach tuition negotiations from a clear and principled standpoint with a focus on:

- student needs;
- equitable funding;
- recognition of the education gap;
- transparency; and
- local circumstances



Parties can agree to use the provincial funding model as a baseline. School boards must demonstrate the need for additional funding beyond baseline funding levels provided by Alberta Education.

First Nations students with ESAs in Alberta

Each year, approximately 6,000¹ First Nations students living on a reserve attend provincial schools through either a tuition agreement or ESA. Currently, there are more than 100 agreements in place between 41 provincial school boards and 44 First Nations.

The financial responsibility for the education of First Nations students falls under the jurisdiction of the federal government. Provincial school boards receive ESA fees annually from First Nations and/or Indigenous Services Canada.

Dispute resolution

The standards are designed to encourage conversation to address concerns that have been raised in the past. Proactive agreement on areas of potential contention helps prevent disputes between programs and develop a shared sense of responsibility. The standards require parties to specify a dispute resolution process and mechanisms within the ESA. This includes opportunities to amend the ESA by setting a term for the agreement and a provision that any party can open the agreement with one-year notice.

Reciprocal agreements

Reciprocal agreements, which enable students living off-reserve to attend First Nations schools, also exist in Alberta. There are about 600 students living off-reserve that attend First Nations schools through reciprocal agreements.

The ESA standards do not apply to reciprocal agreements. Section 63 of the [Education Act](#) applies only to ESAs for the education of First Nations students attending a provincial school board. However, school boards and First Nations may choose

¹ In 2021/22 there were 5,700 students attending provincial schools under an ESA.

to apply the same or similar standards to reciprocal agreements for provincially funded students attending schools on a reserve.

First Nations trustees

By fostering strategic discussions, ESA standards provide First Nations with meaningful opportunities to inform school board decisions, whether through a trustee appointment or other methods. As per section 84 of the [Education Act](#), if parties wish to appoint a First Nations trustee to the board, they must have one or more ESA agreements.

If a trustee is appointed, school boards will pay for the appointed trustee using operational funding with the expectation that they do not exceed maximum expenditure for system administration and school board governance. Additional funding for appointed trustees may not be collected through an ESA, though school boards can use some of the funding collected under an ESA to support the appointed trustee position(s).

Implementation resources

Support resources for school boards and First Nations implementing ESAs are available online at alberta.ca/education-services-agreement-standards.aspx.